

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION – DIVISION OF WATER QUALITY
FEBRUARY 18, 2020**

ITEM 2

SUBJECT

CONSIDERATION OF A PROPOSED RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE TO APPROVE A CHANGE TO CALIFORNIA TROUT, INC.'S (GRANTEE) ELK RIVER SEDIMENT REMEDIATION PILOT IMPLEMENTATION PROJECTS (PROJECT) FROM AN IMPLEMENTATION PROJECT TO A PLANNING PROJECT AND AMEND AGREEMENT NUMBER D1513103 AS NECESSARY TO REFLECT THIS CHANGE.

DISCUSSION

On July 7, 2015, the State Water Resources Control Board (State Water Board) adopted [Resolution No. 2015-0046](#) approving proposed Program Preferences for the 2016 Clean Water Act 319 NPS Grant Program (Program) and making all projects that addressed the approved Program Preferences eligible to compete for funding. The Program included projects funded with Timber Regulation and Forest Restoration Fund (Timber Fund). Resolution No. 2015-0046 further authorized the Executive Director to award and execute financing agreements for projects funded through the Program's competitive process.

The State Water Board executed a grant agreement with the Grantee on June 28, 2016 for \$638,557. The purpose of the Project was to implement two sediment remediation projects in the North Fork Elk River. The Project was awarded a Timber Fund grant through the Program's competitive process.

In August 2019, the Grantee notified the State Water Board that the Project could not be completed as described in the grant agreement because of prolonged negotiations with local landowners and government partners including California Department of Fish and Wildlife (CDFW) and the National Marine Fisheries Service (NMFS).

Concerns expressed by local landowners and government partners included impacts to endangered salmonid species and the riparian corridor, appropriate mitigation of impacts, appropriate project phasing, and the existence of potentially higher priority restoration sites in other areas of the watershed. As a result of discussions with local landowners and government partners, the Grantee has proposed a significant deviation to the Project that would change the Project from a sediment remediation implementation project to a planning project. Instead of implementing sediment remediation, the Grantee would prepare design plans for mitigation of the original sediment remediation project as well as stream channel restoration in another area of the Elk River watershed.

The Project, including the requested deviation, meets the minimum requirements for the Timber Fund and the 2020 Nonpoint Source Grant Program Guidelines, and supports the objectives of the North Coast Regional Water Quality Control Board to address sediment loading in the North Fork Elk River. This action requires State Water Board authorization because the fundamental change to the Project, from an implementation project to a planning project, means that the project being funded is no longer the project that was selected through the Program's competitive process.

The revised scope will allow the Project to address federal permitting requirements and implement mitigation measures that will facilitate future funding and construction in the Elk River Watershed.

POLICY ISSUE

None.

FISCAL IMPACT

No fiscal impact will be encountered. The revised Project will use the original amount of funds awarded.

REGIONAL BOARD IMPACT

No, there will be no impact to the North Coast Regional Water Quality Control Board.

STAFF RECOMMENDATION

The State Water Board should:

1. Authorize the Executive Director or designee to approve changes to the scope of work and budget of the Project that reflect the Project's shift from an implementation project to a planning project.
2. Authorize the Executive Director or designee to amend grant agreement number D1513103 as necessary to reflect these changes.